

Norman C. Kleinberg  
Theodore V. H. Mayer  
William J. Beausoleil  
HUGHES HUBBARD & REED LLP  
One Battery Park Plaza  
New York, New York 10004-1482  
(212) 837-6000

*Attorneys for Defendant Merck & Co., Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE: :  
Fosamax Products Liability Litigation :  
-----X  
*This Document Relates to:* : 1:06-md-1789 (JFK)  
Phyllis J. Tester and :  
Harold Tester :  
v. Merck & Co., Inc. :  
: :  
Case No: 1:08-cv-4124-JFK : **Rule 7.1 Statement**  
-----X

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned attorneys of record for Defendant Merck & Co., Inc. certify that it has no parent companies and are not aware of any beneficial owner of more than ten percent of its Common Stock.

Dated: New York, New York  
June 30, 2008

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: /s/  
Norman C. Kleinberg  
Theodore V. H. Mayer  
William J. Beausoleil

One Battery Park Plaza  
New York, New York 10004-1482  
(212) 837-6000  
kleinber@hugheshubbard.com  
mayer@hugheshubbard.com  
beausole@hugheshubbard.com  
*Attorneys for Defendant Merck & Co., Inc.*